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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,357	09/11/2002	Ikuo Sako	04329.2755	7107
7590	11/03/2004		EXAMINER	AU, SCOTT D
Finnegan Henderson Farabow Garrett & Dunner 1300 I Street NW Washington, DC 20005-3315			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/070,357	SAKO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Scott Au	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 September 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11,13 and 15-17 is/are rejected.
- 7) Claim(s) 12 and 14 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 September 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>352002&amp; 9262002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

The application of Sako et al. for a “Radio communication system, radio communication apparatus, and radio communicating method” filed July 5, 2001 has been examined.

Claims 1-17 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,6-7,13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldman et al. (US# 5,917,424).

Referring to claim 1, Goldman et al. disclose a radio communication apparatus comprising:

a reception history table (i.e. memory storage within the control unit 205) (col. 11 lines 11-15) configured to store information-identification identifying received information;

controller (205) (i.e. control unit) configured to prevent information from being received of which information-identification (col. 5 lines 25-32) is stored in said reception history table (col. 11 line 65 to col. 12 line 11; see Figures 3 and 4A).

Referring to claim 6, Goldman et al. disclose a radio communication method comprising:

establishing a radio link to another apparatus (col. 11 lines 55-60); receiving information-identification identifying information to be received (col. 11 lines 55-60); determining whether the received information-identification is stored in a reception history table (i.e. memory storage within the control unit 205) which stores the information-identification identifying received information (col. 12 lines 1-10; see Figures 3 and 4A); and disconnecting the radio link determined that the received information-identification (col. 5 lines 25-32) is stored in said reception history table (i.e. memory storage within the control unit 205) (i.e. Once the comparison is not match, the communication is end and the pager continues to await for an incoming page for comparison).

Referring to claim 7, Goldman et al. disclose the method according to claim 6, further comprising: receiving the information from the other apparatus if it is determined that the received information-identification is not stored in said reception history table; and registering the information-identification of the received information in said reception history table (col. 12 lines 1-11).

Referring to claim 13, Goldman et al. disclose a radio communication method comprising: establishing a radio link to another apparatus (col. 11 lines 55-60); receiving information-identification identifying information which was received by the other apparatus (col. 11 lines 55-60); determining whether the received information-identification is stored in a transmission history identifying information (col. 5 lines 25-32) which was transmitted to the other apparatus (col. 12 lines 1-10; see Figures 3 and 4A); and disconnecting the radio link if it is determined that the received information-identification is stored in said transmission history table (i.e. memory storage within the control unit 205) (i.e. Once the comparison is not match, the communication is end and the pager continues to await for an incoming page for comparison).

Referring to claim 16, Goldman et al. a radio communication system comprising: transmitter units (i.e. the paging system is a two-way paging, each pager capable of transmitting and receiving), each of which configured to transmit information (col. 5 lines 1-15); and receiver units, each of which configured to receive the information transmitted from one of said transmitter units, wherein at least one of said transmitter units and said receiver units comprise: an information management table (i.e. memory storage of control unit 205) configured to store information-identification identifying information which has been transmitted from one of said transmitter units to one of said receiver units, transmitter-identification identifying of the transmitters which has transmitted the information, and receiver-identification identifying one of the receiver

which has received the information; and a controller (205) (i.e. control unit) configured to prevent the same information from being received by the same receiver (col. 11 line 65 to col. 12 line 10).

***Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless –

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Ghirnikar et al. (US# 6,381,241).

Referring to claim 10, Ghirnikar et al. disclose a radio communication apparatus (201) (central network). It is inherent that the apparatus comprising: a transmission history table in order to store information-identification identifying transmitted information message; and there is a controller in the central network configured to prevent information from being transmitted of which information-identification is stored in said transmission history table (col. 5 lines 35-42) when the central network receiving an acknowledgement from the wireless communication device (204).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (US# 5,917,424) as applied to claims 1 and 6 above, and further in view of Laflin et al. (US# 5,705,995).

Referring to claim 2, Goldman et al. disclose the apparatus of claim 1. Goldman et al. disclose wherein said reception history table (i.e. memory storage within the control unit 205) stores apparatus-identification identifying the other apparatus which transmits information to be received; and said controller (205) (i.e. control unit) comprises:

a radio link connection unit (203) (i.e. antenna) configured to establish a radio link to the other apparatus;

a receiver (201) (i.e. receiver/transmitter) configured to receive the apparatus-identification of the other apparatus and the information-identification of the information to be received;

a comparator (i.e. part of the controller unit 205) configured to determine whether the received apparatus-identification are stored in said reception history table (i.e. memory storage within the control unit 205);

and a radio link disconnection unit (i.e. controlled by controller unit 205 when there is not a match) configured to disconnect the radio link if it is determined that the

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received apparatus-identification and received information –identification are stored in said reception history table (col. 11 line 11 to col. 12 line 11; see Figure 3-4B).

However, Goldman et al. did not explicitly disclose category-identification identifying a category of the information received.

In the same field endeavor of communication device, Laflin et al. disclose category-identification identifying a category of the information received (col. 2 lines 32-61 and col. 3 line 64 to col. 4 line 5; see Figures 2-3) in order to decode the data by the pager (44).

One of ordinary skill in the art understands that category information to be received of Laflin et al. is desirable in the communication system of Goldman et al. because Goldman et al. disclose paging system that store and compare the data is received (col. 5 lines 25-30) and Laflin et al. suggest paging system that category the information is received (i.e. see Abstract and col. 4 lines 43-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include category the information of Laflin et al. in the paging system of Goldman et al. with the motivation for doing so would allow the user to be alerted of the information he/she is receiving.

Referring to claim 3, Goldman et al. in view of Laflin et al. disclose the apparatus of claim 2. Goldman et al. disclose wherein said controller further comprises:

an information receiver (201) (i.e. receiver/transmitter)-- configured to receive the information from the other apparatus if it is determined that the received apparatus-

identification and received information-identification are not stored in said reception history table; and a table update unit configured to register the received apparatus-identification and received information-identification in said reception history table (col. 11 line 62 to col. 12 line 11).

Referring to claim 8, Goldman et al. in view of Laflin et al. disclose the apparatus of claim 1, claim 8 same in that of claim 2 already addressed above. Therefore, claim 8 is also rejected for the same reasons given with respect to claim 2.

Claims 4-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (US# 5,917,424) as applied to claims 1 and 6 above, and further in view of Miwa et al. (US# 6,204,774).

Referring to claims 4 and 9, Goldman et al. disclose apparatus and method according to claims 1 and 6, wherein said reception history table (i.e. memory storage within the control unit 205) stores information of the received information; and said controller (205) (i.e. control unit) comprises:

a radio link connection unit (203) (i.e. antenna) configured to establish a radio link to the other apparatus;

a receiver (201) (i.e. receiver/transmitter) configured to receive information of the information to be transmitted by the other apparatus;

a comparator (i.e. part of the controller unit 205) configured to compare the received information and the information stored in said reception history table (i.e. memory storage within the control unit 205); and  
radio link disconnection unit (i.e. controlled by controller unit 205 when there is not a match) configured to disconnect the radio link if the received information equals to the information stored in said reception history table (col. 11 line 11 to col. 12 line 11; see Figure 3-4B).

However, Goldman et al. did not explicitly disclose the information is a date-information.

In the same field of endeavor of communication system, Miwa et al. disclose the receiver comparing the date-information is received in order to authorize/inhibit the reception (col. 14 lines 5-18).

One of ordinary skill in the art understands that date-information of Miwa et al. is desirable in the communication system of Goldman et al. because Goldman et al. suggest data information is being compared before authorizing for reception (col. I2 lines 1-11) and Miwa et al. suggest the information is a date-information. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include date-information of Miwa et al. in the communication system of Goldman et al. with the motivation for doing so would prevent receiving duplicated messages.

Referring to claim 5, Goldman et al. in view of Miwa et al. disclose apparatus according to claim 4, Miwa et al. disclose wherein controller further comprises: an information receiver configured receive the information from the other apparatus if the received date-information does not equal to the date-information stored in said reception history table; and a table update unit configured to register the date-information of the received information said reception history table (col. 14 lines 5-18).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghirnikar et al. (US# 6,381,241) as applied to claim 10 above, and further in view of Laflin et al. (US# 5,705,995).

Referring to claim 11, Ghirnikar et al. disclose wherein said transmission history table stores apparatus-identification identifying the other apparatus (204) (i.e. mobile device) to which the information was transmitted (i.e. It is inherent that the network (201) included memory storage in order to transmit to that specific pager and messages);

said controller (i.e. It is inherent that within the network unit is included a controller in order to control the operation of the network unit) comprises:  
a radio link connection unit (i.e. It is inherent that there is a control unit within the network 201 to provide the communication channel 202) (i.e. see Figure 2A) configured to establish a radio link to the other apparatus (204) (i.e. mobile device);

a receiver (i.e. It is inherent that there is a receiver within the network 201 to receive the channel 203) configured to receive the apparatus-identification of the other apparatus (204) (i.e. mobile device) (col. 4 line 55 to col. 5 line 8);

a comparator configured to determine whether the received apparatus-identification is stored in said transmission history table (i.e. It is inherent that there is a controller in the network unit determine whether to transmit the duplicate message being stored in the network system) (col. 5 lines 35-42);

a radio link disconnection unit configured to disconnect the radio link if it is determined that the received apparatus-identification is stored in said transmission history table (col. 6 lines 10-15).

However, Ghirnikar et al. did not explicitly disclose category-identification identifying a category of the transmitted information.

In the same field of endeavor of communication system, Laflin et al. disclose category-identification identifying a category of the transmitted information (col. 2 lines 32-61) in order to decode the data by the pager (44).

One of ordinary skill in the art understands that category information to be transmitted of Laflin et al. is desirable in the communication system of Ghirnikar et al. because Ghirnakar et al. suggest a network 201 transmits the messages to the mobile device 204 (col. 4 lines 55-63) and Laflin et al. disclose the network (PSTN) transmits the message to the pagers in a category identification format (col. 2 lines 33-61; see Figures 1-2). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include category information to be

transmitted of Laflin et al. in the transmitting system of Ghirnikar et al. with the motivation for doing so would allow the user to be alerted of the information he/she is receiving.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (US# 5,917,424) as applied to claim 13 above, and further in view of Laflin et al. (US# 5,705,995).

Referring to claim 15, Goldman et al. disclose the method according to claim 13. Goldman et al. disclose wherein said information-identification comprises apparatus-identification identifying the other apparatus (col. 12 lines 1-11). However, Goldman et al. did not explicitly disclose category-identification identifying a category of information.

In the same field of endeavor of communication system, Laflin et al. disclose category-identification identifying a category of information (col. 2 lines 32-61) in order to decode the data by the pager (44).

One of ordinary skill in the art understands that category information of Laflin et al. is desirable in the communication system of Goldman et al. because Goldman et al. disclose paging system that store and compare the data is received (col. 5 lines 25-30) and Laflin et al. suggest paging system that category the information is transmitted to a pager (i.e. see Abstract, col. 2 lines 32-61 and col. 4 lines 43-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include category the information of Laflin et al. in the paging system of

Goldman et al. with the motivation for doing so would allow the user to be alerted of the information he/she is receiving.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (US# 5,917,424) as applied to claim 16 above, and further in view of Kolls (US# 6,622,124).

Referring to claim 16, Goldman et al. disclose the system of claim 16. However, Goldman et al. did not explicitly disclose wherein said transmitter units and said receiver units are connected by radio link based on Bluetooth protocol.

In the same field of endeavor of communication system, Kolls discloses wherein said transmitter units (i.e. phone) and said receiver units (i.e. pagers) are connected by radio link based on Bluetooth protocol (col. 9 lines 28-35 and col. 15 lines 10-27) in order to communicate to one another.

One of ordinary skill in the art understands that using Bluetooth protocol as a radio link among the communication devices of Kolls is desirable the communication system of Goldman et al. because Goldman et al. suggest paging communication system (col. 12 lines 1-11) and Kolls suggests a Bluetooth as the communication protocol among the communication devices. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use Bluetooth protocol of Kolls in the communication system of Goldman et al. with the motivation for

doing so would allow the using Bluetooth protocol as an alternative way of using other wireless communication protocol.

### ***Claim Objections***

Claims 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 12, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that an information transmitter configured to transmit the information to the other apparatus if it is determined that the received apparatus-identification and received category-identification are not stored in said transmission history table.

Referring to claim 14, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that transmitting the information to the other apparatus if it is determined that the received information-identification is not stored in said transmission history table.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Gabrielle et al. (US# 6,154,147) disclose a duplicating messaging system.

Vanden Heuvel et al. (US# 5,347,269) disclose a iconic duplicate message indicator.

Cannon et al. (US# 6,067,444) disclose the method and apparatus for duplicate message processing in a selective call device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063.

The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-3906.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

